

**MINUTES FOR REGULAR COMMISSION MEETING HELD FEBRUARY 28, 2011
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,
UTAH**

Present

Commission Chairman Kirk J. Wood; Commissioner Kent R. Peatross, Commissioner Ronald Winterton, Irene Hansen-Chamber of Commerce, Craig Ashby, Byron Colton-Horrocks Engineers, Scott Hacking-Department of Environmental Quality, Darren Brown-Tri-County Health Department, and Chief Deputy Clerk JoAnn Evans taking minutes of the meeting.

Absent

Deputy County Attorney Jonathan Stearmer was on assignment elsewhere.

Opening Comments

Irene Hansen from the Chamber of Commerce said the prayer.

Pledge of Allegiance

Any wishing to participate.

Tax Adjustments-Assessor

Commissioner Winterton moved to approve the tax adjustment for the assessor as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Tax Adjustments-Treasurer

Chief Deputy Evans stated this is a correction that needs to be made because of a computer error. *Commissioner Winterton moved to approve the tax adjustment for the treasurer as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed*

Consideration of Payment Vouchers

The commission reviewed vouchers # 117010 through #117044 dated February 22, 2011, in the amount of five hundred ten thousand dollars, eight hundred sixty eight dollars and seventy six cents (\$510,868.76). The commission also reviewed vouchers #117045 through #117123 dated February 28, 2011, in the amount of two hundred sixty seven thousand six hundred forty one hundred and twenty six cents (\$267,641.26) as presented by Chief Deputy JoAnn Evans. *Commissioner Winterton moved to approve the vouchers presented by Chief Deputy JoAnn Evans. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of a Business License Application for All Drains Cleaning Services

Deputy Clerk/Auditor Sweat stated that All Drains Cleaning Services is a new license. The owner just moved here from the city. *Commissioner Peatross moved to approve the business application for All Drains Cleaning Services as presented by Deputy Clerk/Auditor Sweat. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of a Business License Application for The Edge LLC

Deputy Clerk/Auditor Sweat stated this business has been doing business for quite a while. They will be charged a penalty. *Commissioner Peatross moved to approve the business application for The Edge LLC as presented by Deputy Clerk/Auditor Sweat. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of a Business License Application for Stroud Transportation

Deputy Clerk/Auditor Sweat stated this business has just started and the truck will be leased to Iowa Tank Lines. *Commissioner Peatross moved to approve the business application for Stroud Transportation as presented by Deputy Clerk/Auditor Sweat. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of a Beer License Application for Defa's Dude Ranch

Deputy Clerk/Auditor Sweat stated that there was no criminal activity found for this beer license. *Commissioner Winterton moved to approve the beer license application*

for Defa's Dude Ranch as presented by Deputy Clerk/Auditor Sweat. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration of Payment to Horrocks Engineers for Partial Payment on Pariette Road

Commissioner Wood stated the amount of the payment would be four thousand six hundred ninety two dollars and seventy six cents (\$4692.76). He also asked Byron Colton to find out if this is the last of the final partial payments to be made to Horrocks Engineers. *Commissioner Winterton moved to approve the partial payment to Horrocks Engineers on Pariette Road. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration Of MOU Between Duchesne County, Roosevelt City, and USU for the Purpose of Establishing and Funding the Position of Executive Director of Regional Development at the USU Uintah Basin Campus

Commissioner Wood stated this is a memorandum of understanding between Duchesne County, Roosevelt City, and USU. Commissioner Winterton stated this will be a three (3) way partnership to provide a person to help with economic development working under Utah State University's direction. Mr. Rob Behunin will be the lead on this. The MOU outlines what this person will do. The concept is good and we are in favor of this. Commissioner Peatross stated he would like to see a few changes to the agreement, however he would like to support the concept and the payment of seventy three thousand four hundred dollars (\$73,400.00). The change will be made will define the language for Roosevelt City, and Duchesne County. It will have the city and the county more involved with the selection process. It will also require that the person hired will need to live within Duchesne County. *Commissioner Winterton moved to approve the concept and the funding of seventy three thousand four hundred dollars (\$73,400.00) with an ongoing discussion pertaining to the agreement. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.*

Consideration of the Minutes for Working Commission Meeting Held February 14, 2011
Postponed

Consideration of the Minutes for Regular Commission Meeting Held February 14, 2011
Commissioner Winterton moved to approve the minutes as corrected. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Consideration of the Minutes for a Special Meeting Held February 24, 2011
Commissioner Winterton moved to approve the minutes as presented. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed.

Entered Recess as moved by Commissioner Peatross, Commissioner Winterton seconded the motion. All Commissioners voted aye and the motion passed at 1:29 P.M....

Entered Public Hearing 1:30P.M...

1:30 P.M. Public Hearing – Consideration of a CIB Application for the Hancock Cove Sanitary Sewer Feasibility Study *Community Planning Administrator Mike Hyde joined the meeting at 1:24 P.M....Diane Freston joined the meeting at 1:40 P.M...*

Mr. Colton stated there has been a need for quite some time for a sewer line in the Hancock Cove area. This is a preliminary outline that we are talking about. The intent of this project is to look at what it would take to develop a sewer system to service this area. Primarily we need to find out if Roosevelt City's sewer system has the capacity to receive this water and to get a budgetary estimate of what they would charge. We also need to know what the cost would be for the development and installation of this sewer system and ultimately what will be the service fee; both monthly and connection fees that it will take to make the system viable. Once that is answered we will also present the information that is necessary so the county can decide what is the best way to move forward, whether it be a special service district or some other way to help get this system started. What we really need to focus on is what it is that will be needed. The study amount that is being asked for at this time is a combination of funding from CIB, the county through the Municipal Building Authority (MBA), and The Division of Environmental Quality (DEQ); with DEQ funding twenty two thousand five hundred dollars (\$22,500.00), CIB funding twenty two thousand five hundred dollars (\$22,500.00), and the county funding fifty five hundred dollars (\$5,500.00) coming to a total of fifty five thousand dollars (\$55,000.00). We are grateful that Mr. Scott Hacking from the DEQ and Mr. Darren Brown from Tri-County Health have offered letters of support. They have demonstrated that they know there is a need for this system. This year with the snow pack and the amount of water that we receive it will manifest itself that we have a need for this sewer system. This is getting to be a significant

concern for the people in the Hancock Cove area. The sooner we can have the study done the sooner we can figure out what we need to do. Commissioner Wood asked if there has been a conversation with Roosevelt City as to their capabilities of adding additional sewer etc. Mr. Colton stated he has talked with Roosevelt City about this briefly. My impression was provided that they have the capacity they are willing to receive this water. They are always concerned about if their lagoons have the capacity and their lines have the capacity. If there are capacity issues, they will have to be addressed as well. We are currently looking at completing a sewer master plan for Roosevelt so we have the tools and the information necessary to handle this study. Commissioner Peatross asked the question; does the east boundary that is drawn on the map follow the city boundary. Mr. Colton stated it does not. It basically outlines the area by elevation. It does not currently have city sewer connections. Commissioner Winterton stated that those areas could probably be taken into consideration. Mr. Colton stated absolutely; it might make sense just to follow the city boundaries; he is not saying it should or should not. Commissioner Peatross stated that if we ever get to the point where a district is formed for this it should follow the city boundary; if there was a chance that this particular area would be part of the district then it should be part of the study. Mr. Colton stated everywhere on the map in this location is butted up against the city boundaries. There is no space between this line and the city as far as his knowledge goes. Mr. Brown stated that it would not be a terrible thing to have them overlap a little. Commissioner Peatross stated that the study would show that an area upon the bench would be more practical to be in city, then to be part of the district. Mr. Colton stated that if it can go that way it would be better to have it go to the city. That is actually one of the big questions; what would be the boundaries of a district. Commissioner Winterton reminded the other commissioners that Mr. Ashby stated in this morning's meeting that this could affect three hundred (300) homes. Mr. Ashby stated that there could be other options for areas like the Neola Highway. Commissioner Wood asked the question; how would that affect the cost of the feasibility study. Mr. Hacking stated that from a topographical view he thinks they could make it work with what they are already asking but is not one hundred (100%) percent sure. We are aiming for density; the higher number of customers, the minimum amount of pipe will be used. That is what will make it financially feasible. Chairman Wood ask the question; is the DEQ comfortable with the twenty two thousand, five hundred dollars (\$22,500.00) assigned to them. Mr. Hacking stated that is still in negotiations with the CIB. CIB might be willing to fund even more than what is on the application. When water quality funds a feasibility study like this it is not usually a grant it is more like a temporary zero interest loan that needs to be paid back when there is a project constructed. With the CIB it is a grant, since there is no entity here, all of that is still under discussion as far as the percentages that will pay for what is needed. Everyone involved thinks that it is a worthwhile project and all of that should be worked out with the CIB. Chairman Wood stated that the MBA does not have any money; it is the vehicle in which the application has to come from so the CIB will look at it. Commissioner Peatross stated the application will state that the MBA is applying to the CIB for the funding and Duchesne County will fund the MBA's portion. Mr. Colton stated there will be some modifications to the application. He talked to Mr. Lee Hill last week at length, and he thought all the modifications could be made. He needs to get with Clerk/ Auditor Freston and go through any existing debts or modifications needed in the application. He does have an appointment to meet with the UBAOG board on March 24, 2011. They will take the opportunity to present the feasibility study information there. Based upon their comments and the minutes from this public hearing they will be ready to file the application to make it on the agenda in Salt Lake as early as June or July. Chairman Wood stated that Mr. Colton will have everything in order for the UBAOG meeting later in March. Commissioner Winterton stated that Director Laurie Brummond from UBAOG called this morning and has met with Mr. Lee Hill and he will make the modifications to the application by the March meeting. Commissioner Peatross stated that he would like to hear from both the DEQ and Tri- County Health.

Mr. Brown from Tri- county Health stated this is a project we are certainly in favor of. This is a project that was talked about a few years ago and it fell apart. We are glad to see it come back because this is an area that has difficulty; it has a lot of water and has some clay areas that are difficult to put onsite systems in. What it is doing right now, is limiting the density of how many of these you can put in before you run into trouble. We do have some alternate systems out there. We have a few failures out there every year; one was a commercial facility. In our opinion it will just get worse as we get more and more homes out there. The sooner we can provide sewer this area the better. This is an area that needs it, it won't restrict the density. In our opinion as far as public health goes we do need a sewer system in this area and give more options to those people who would like to build there. Commissioner Peatross stated that in all reality, if Roosevelt City grows they just about need to have this system. Have you denied any permits to this area? Mr. Brown stated that this seems to be the area everyone likes to build on and they have denied waste water permits in this area, and even some subdivision. Commissioner Peatross asked if he could be more specific on how many lots that might have

been denied. Mr. Brown stated that there were only one or two subdivisions that were denied, some of them came back with different proposals. You have the southern area that has a really high water table and is hard to get lots in; a lot of those have been turned down. As you get to the west side you get into sand stone. We turned down at least one subdivision because of the sand stone layers. We could not develop it years ago because of how high the water table was; they have gone in and taken some of the irrigation water out of the system. Our concern is that as they start to develop it, and build homes that the water table might start to come back up because all these people are starting to recharge the ground water which will keep coming up. To me it does not matter how to make this happen. I don't know if they want to be annexed into Roosevelt City. Somehow we need to sewer this area. Commissioner Winterton stated that this would only take in a small portion of what Roosevelt City's long range plan is for annexation. Administrator Hyde stated that Roosevelt City has some other options to grow to the south with new roads out toward the treatment plant. Hancock Cove is one of the primary roads, opposed to going up North Crescent Road for example. It would be important to get this area a sewer facility. There are some one acre lots there now, and it could change to half acre lots. That is where the density question comes in. The county allows up to a four plex as an outright use; anything different than that needs a conditional use permit and most of that is because of sewer issues. If we get sanitary sewer out there, we could see something other than single dwelling development. A lot of the subdivision are meant for single family dwellings and prohibit multifamily dwellings in their covenants. Commissioner Peatross asked if it would almost be impossible to get a four plex out there. Mr. Brown stated that there has been two (2) four plex's out near this area and it took us over a year to get that settled. You have to have a lot of property to make it work. Mr. Ashby stated that another thing to consider is creating another district for the other side of the highway (Vonsville). That is another issue we might want to scope out and find out what some of the options are. Commissioner Winterton stated that the area there is a doable area to keep costs down. We want to take in as much as we can if it is feasible.

Mr. Scott Hacking from the DEQ stated that he pretty much seconded all that has been said and there has been a concern for this area for many years. They tried about three (3) years ago and it fell apart at that time. High ground water limits what you can do there; it's a logical area to look at to expand the sewer network. DEQ is happy to support this feasibility study project. Mr. Colton stated that in light of the information we have just discussed this could be of importance to look closely at the maps to see the parcel lines that are recorded in the county that he has record of. There is only approximately thirty percent (30%) of the parcels with a home on them, meaning that you could add about seventy percent (70%) more homes before you fill those lots up. There is a lot of potential for homes in that area. We are having trouble with the onsite sewer there currently. Commissioner Peatross stated that this map is two (2) years old; would there be very many more houses out in that area than what is on the map. Commissioner Winterton stated that he knew of two (2) buildings that are not on the map. Commissioner Peatross stated that this needs to be very accurate to go before the CIB. Mr. Ashby stated that there will be some unknowns that we will not know about until it turns into a project. Mr. Colton stated that he will try to get a letter of support from Roosevelt City in conception with a condition of capacity. Commissioner Peatross stated that Roosevelt City needs to know about this so they don't take on more than they can handle. We do not want to hand them a problem. Mr. Colton stated he will approach the city. Commissioner Winterton asked the question; is there room to enlarge their pond to accommodate a new system. Mr. Colton stated yes, they do have room to expand. In concept he feels that Roosevelt City is in support of this, but at the same time they have concerns over the capacity. Ms. Irene Hansen stated that they had made a philosophical decision to not do sewer for those who were not annexed in, but they would probably revisit the situation. *Commissioner Winterton moved to support this project as presented, and authorize the application to be presented to the CIB. Commissioner Peatross seconded the motion. All commissioners voted aye and the motion passed*

Entered Back Into Regular Commission Meeting At 2:03 P.M...

Adjournment

Chairman Wood adjourned the meeting at 2:05P.M.

Read and approved this 7th day of March 2011.

Kirk J. Wood
Commission Chairman

Diane Freston
Clerk/Auditor

*Minutes of meeting prepared by JoAnn Evans*_____